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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,372	11/23/2001	Katsuaki Yamanoi	041465-5128	3256

55694 7590 03/13/2006

DRINKER BIDDLE & REATH (DC)  
1500 K STREET, N.W.  
SUITE 1100  
WASHINGTON, DC 20005-1209

EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT PAPER NUMBER

2656

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/990,372	YAMANOI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Aristotelis M. Psitos	2656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

Applicant's response of 1/30/06 has been considered with the following results.

#### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamai et al.

The following analysis is made:

Claim 1	Hamai et al
An information recording apparatus	title/abstract
an information attaching and generating device, which	applicant's attention is drawn
attaches track number information to each track recorded	ability in the system so as to
in an information recording medium and generates group	have track group information,
control information to control one or a plurality of	for instance with respect to
tracks as one group;	the formatter in fig.

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an inputting operation device for performing an inputting operation in accordance with a user's instruction; and

input from host processor-  
see col. 18 lines 46-67

a detection device for giving a grouping instruction to said information attaching and generating device at the time when the inputting operation relating to track recording is detected during recording of information.

data tracks are formed with respect to each data track group.  
and appropriate control/group information is generated.

The playback system of Hamai et al  
is in accordance with the detected condition/ see for instance col 36,  
lines 44 till col. 38 line 51.

wherein ...

In the above analysis the examiner concludes that track numbering to be inherently present since this is a tape system, and identification of which track is where is commonly provided in order to retrieve the information recoded accordingly.

The inputting operation device is interpreted as the host computer, which permits the user to interface with the system. The user selects the appropriate operation, such as record.

The controller permits the appropriate attachment of the information (track number and group designator) at the time of recording.

With respect to the limitations of claim 2, end of track identification is disclosed with respect to end of mark for instance.

With respect to claim 3, since this is a tape, and such is a sequential system, the tack numbering inherently met this limitation.

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**Response to Arguments**

Applicant's arguments with respect to the above claims have been considered but are moot in view of the new ground(s) of rejection.

The examiner has concludes that the previous argument(s) and focusing upon the re-recording function is not a proper interpretation of ~~the~~ claim AS IT STANDS.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamai et al further considered with either Benyamin et al or Ijichi et al.

The following analysis is made:

Claim 1

An information recording apparatus

an information attaching and generating deice, which attaches track number information to each track recorded in an information recording medium and generates group control information to control one or a plurality of tracks as one group;

an inputting operation device for performing an inputting operation in accordance with a user's instruction; and

a detection device for giving a grouping instruction to said information attaching and generating device at the time when the inputting operation relating to track recording is detected during recording of

Hamai et al

title/abstract

applicants attention is drawn ability in the system so as to have track group information, for instance with respect to the formatter in fig.

2

input from host processor-

see col. 18 lines 46-67 *and*

See either of the secondary references

data tracks are formed with respect to each data track group.

and appropriate control/group information is generated.

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information.

The playback system of Hamai et al  
is in accordance with the detected  
condition/ see for instance col 36,  
lines 44 till col. 38 line 51.

wherein ...

In the above analysis the examiner interprets the base reference as having the track no. as inherently present - since this is a tape system, and identification of which track is where is commonly provided in order to retrieve the information recorded accordingly.

The inputting operation device is interpreted as the host computer, which permits the user to interface with the system. The user selects the appropriate operation, such as record.

The controller permits the appropriate attachment of the information (track number and group designator) at the time of recording.

Additionally, as further taught by either of the secondary references, the ability of having the user select, compose information into "play lists" and then subsequently permit recording such - i.e., interpreted as the "grouping" instruction, is taught either by Benyamin et al - see the abstract for instance, or Ijichi et al - see the description with respect to the creation/recording of the playlist - starting at col. 9 line 10 and continuing till col. 10 line 50.

It would have been obvious to modify the base system of Hamai et al with the above teaching from either of the secondary references, motivation is to permit the updating/creation by a user as desired, i.e., whatever criteria/attribute the user selects for his "grouping", hence permitting a personal recording scheme per each user.

With respect to the limitations of claim 2, end of track identification is disclosed with respect to end of mark for instance.

With respect to claim 3, since this is a tape, and such is a sequential system, the tack numbering inherently met this limitation.

### ***Response to Arguments***

Applicant's arguments with respect to the above claims have been considered but are moot in view of the new ground(s) of rejection.

3. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1-3 as stated in either paragraphs 1 or 2 above, and further in view of Yokota et al.

There is no clear depiction of the pause ability in the above base references..

Yokota et al teaches in this environment the ability to pause the system and provide management information indicative thereof.

It would have been obvious to modify the base system in either of the above noted paragraphs with the above pause ability indication so as to permit a user to discriminate between "paused" conditions and hence increase the flexibility of the system by letting the system provide appropriate indication thereof. The use of "pause" ability especially in recording systems is considered motivation, i.e., permitting systems to keep track and indicate pauses.

4. Claims 8-16, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated in either paragraphs 1 or 2 above, and further in view of Heo et al.

Heo et al is a DVD audio disc recording system, which permits the user to associate information into groups as the user designs/selects. – see the abstract. See the discussion with respect to audio packets having the appropriate quantization, sampling, title management table, etc..

The claims are further analyzed below:

With respect to claim 8, the examiner interprets this as the different format ability in Heo et al.

With respect to claim 9, this is inherent otherwise any change in-group information would be lost.

With respect to claim 10, again numbering continuously increases.

With respect to claim 11, operating state is interpreted as a different sampling/quantization level.

With respect to claim 12, subsequent group indication/data is not the same as that previously recorded.

With respect to claim 13, again, track numbering continuously increases.

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With respect to claim 14, recording mode – see discussion with respect to MPEG2, or alternatively, stereo and mono modes.

With respect to claim 15, yes otherwise distinction between groups would not be detectable.

With respect to claim 16, continuously increasing of track numbering.

With respect to claims 21-22, registers are considered inherently present in the Heo et al system, which are used to discriminate the associated table information.

It would have been obvious to modify the base system of Hamai et al/ Hamai et al as modified by either Ijichi et al/Benyamin et al with the additional teaches as identified above with respect to Heo et al, motivation is to include the additional aux information for identification purposes as well as expanding the robustness of the overall system so as to provide for the additional features.

5. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated in paragraphs 1 or 2 above, and further in view of Hartung et al.

Hartung et al disclose a multipurpose digital recording system wherein a plethora of encoding techniques for identification purposes so as to expand the flexibility of the information recorded (and hence reproduced) are presented.

With respect to claim 17, applicants' attention is drawn to table 16, which indicates that identification of the information source is provided.

With respect to claim 18 the ability of interleaving different tracks subsequently (after group instruction) from the track already recorded is readily depicted by table 6 which teaches that the group attribute has discontinuities enabling previous information in a compressed format, while the next information (dat entry) is not. The examiner interprets such as meeting this claimed limitation.

Alternatively, applicants' attention is drawn to table 13, which depicts the identification of various types of information per field/group, which also teaches the ability of having different tracks follow each other.

With respect to claim 19, since Hartung et al is a tape device, inherently the tracks continuously increase as one progress along the length of the medium – hence the sequential recording format well recognized for tapes.



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With respect to claim 20, the ability of discriminating the track number information prior to a grouping instruction and subsequent thereto is inherently provided in Hartung et al, else there would be no recognition of what track is where.

It would have been obvious to modify the base system of Hamai et al/ or Hamai et al as modified by either Benyamin et al or Ijichi et al with the above additional teachings from Hartung et al, motivation is to permit a user identifying various signal sources – see table 24 in Hartung et al for inventory purposes. The remaining teachings with respect to claims 18-20 follow so as to provide the appropriate identification/expansion of the recording parameters found in Hamai et al.

This will permit a user to have greater flexibility and user friendliness for the overall tape system.

6. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1-3 as stated in paragraphs 1 or 2 above, and further in view of well known word processing nomenclature and the Dewey-Decimal system.

With respect to claim 23, the examiner interprets such to mean an indication of various versions of a recording. This ability to indicate versions is well known in the word processing arts, i.e., version 1, version 2, etc. Hence, the examiner concludes that one of ordinary skill in the art to use such well-known nomenclature to permit various version identification, motivation is to permit historical recording of tracks to be noted.

With respect to claim 24, the ability of having a numbering scheme using “sub-number” is considered well established – as taught by the Dewey-decimal system.

It would have been obvious to modify the base system to Hamai et al/ or Hamai et al as modified by either Benyamin et al or Ijichi et al in order to permit a finer division of the tracks.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miyake - figure 15 with respect to the group code ability.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-Thursday 8 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aristotelis M Psitos  
Primary Examiner  
Art Unit 2656



AMP